IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5618 of 2005

Between:

LVR & Sons Club & Reading Room, Regd. N. 2/1910, Koritepadu, Guntur - 522 007
rep by its Secretary, Muvva Chandra Mouli

..... PETITIONER

AND

1 The Inspector of Police, Arundalpet Police Station, Guntur, Guntur District.
2 The Dy. Supdt. of Police, Guntur Town, Guntur, Guntur District.
3 The Superintendent of Police, Guntur, Guntur District.
4 State of A.P. Rep by public Presecutor in the Court of VI Addl. Munsif Magistrate, Guntur,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of Mandamus or otherwise declaring the charge sheet filed by the 1st respondent before the Hon'ble Addl, Judicial Spl. II Class Magistrate, Guntur in STC No. 17/05 as arbitrary, illegal and unconstitutional violating Article 14, 16 and 21 of the Constitution of India apart from violating the order of his Hon'ble Court in W.P. No. 15677/04 dated 9-9-2004 and set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.P.V.KRISHNAIAH

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

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ORAL ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

On behalf of respondents 1 to 3, respondent No.1 is present before this court and he expressed his deep regrets for the acts committed by him and respondents 2 and 3.

Having regard to the unconditional apology expressed by the first respondent on his behalf and on behalf of respondents 2 and 3 and , I do not propose to proceed further against respondents 1 to 3.

Now, coming to the charge sheet filed by the respondents against some of the members of the club, who are, as many as 39 in number, on the ground that they have been playing the game 'kota mukka', which is 'game of chance', prima facie, the Club being oldest club in the city and all the members against whom the charge sheet has been filed are either retired people or well placed in the society and leading their lives with dignity and decency in the society, it is rather unbelievable that as many as 39 people at a time were found playing the game of chance like 'kota mukka'. Another important aspect to be noticed is never before, in the history of the club, there was any allegation against any of the members of the club in playing the game of chance like 'kota mukka', in such a case, it is rather unbelievable that all 39 members of the club were found involved in the game of chance like 'kota mukka'. The wholesale involvement of members of the club is something unusual.

Hence, for the foregoing reasons, and in view of the unconditional apology expressed by the first respondent for himself and on behalf of respondents 2 and 3 and also in view of the improbability of the charges leveled against members of the

club, I feel it expedient to quash the charge sheet filed by the first respondent before the Additional Judicial Special II Class Magistrate, Guntur in STC No. 17 of 2005.

Accordingly, STC No. 17 of 2005, on the file of Additional Judicial Special II Class Magistrate, Guntur is quashed.

In the result, the Writ Petition is allowed. No costs.

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D.S.R. VARMA, J

DATED: 31.03.2005

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To

1 The Inspector of Police, Arundalpet Police Station, Guntur, Guntur District.
2 The Dy. Supdt. of Police, Guntur Town, Guntur, Guntur District.
3 The Superintendent of Police, Guntur, Guntur District.
4 Public Presecutor in the Court of VI Addl. Munsif Magistrate, Guntur, Guntur District.

5. Two CCs to G.P. for Home, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.

7. The Additional judicial Special II Class Magistrate, Guntur.